



Treaty Series No. 52 (1955)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America
for Co-operation regarding Atomic
Information for Mutual Defence Purposes

Washington, June 15, 1955

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
August 1955*

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR CO-OPERATION REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENCE PURPOSES

Washington, June 15, 1955

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America,

Recognising that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare,

Recognising that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954, which was prepared with these purposes in mind,

Agree as follows :—

ARTICLE I

1. While the United Kingdom and the United States are participating in international arrangements for their mutual defence and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to—

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this agreement shall be used by the other Government exclusively for the preparation and implementation of defence plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to the United Kingdom by the United States pursuant to this agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by the United Kingdom pursuant to this agreement will be made in compliance with the United Kingdom Official Secrets Acts, 1911–1939, and the United Kingdom Atomic Energy Act of 1946.

2. Under this agreement there will be no transfers by the United Kingdom or the United States of atomic weapons or special nuclear material, as these terms are defined in Section 11 d. and Section 11 t. of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the United Kingdom and the United States and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this agreement lower than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

2. Atomic information which is exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the exchange of classified defence information between the two Governments.

3. Atomic information received pursuant to this agreement shall not be transferred by the recipient Government to any unauthorised person or, except as provided in Article V of this agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this agreement, "atomic information" means :

- (a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 r. of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b. of that Act, and information relating primarily to the military utilisation of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d. of the United States Atomic Energy Act of 1954;
- (b) so far as concerns the information provided by the United Kingdom, information exchanged under this agreement which is either classified atomic energy information or other United Kingdom defence information which it is decided to transfer to the United States in pursuance of Article I of this agreement.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and co-operation by the United Kingdom or the United States with other nations or regional organisations in any fields of defence. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this agreement to any nation or regional organisation unless the same information has been made available to that nation or regional organisation by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorised by such other Government.

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ARTICLE VI

This agreement shall enter into force on the date on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such an agreement,⁽¹⁾ and shall remain in effect until terminated by mutual agreement of both Governments.

Done at Washington this fifteenth day of June, 1955, in two original texts.

For the United Kingdom of Great Britain and Northern Ireland :

R. H. SCOTT.

For the United States of America :

C. BURKE ELBRICK.

⁽¹⁾ July 21, 1955.

SECTIONS OF THE UNITED STATES ATOMIC ENERGY ACT
OF 1954 REFERRED TO IN THE AGREEMENT FOR
CO-OPERATION REGARDING ATOMIC INFORMATION FOR
MUTUAL DEFENCE PURPOSES

SECTION 11—DEFINITIONS

Section 11 d

“d. The term ‘atomic weapon’ means any device utilizing atomic energy exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as or for development of, a weapon, a weapon prototype, or a weapon test device.”

Section 11 r

“r. The term ‘Restricted Data’ means all data concerning: (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data de-classified or removed from the Restricted Data category pursuant to section 142.”

Section 11 t

“t. The term ‘special nuclear material’ means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.”

SECTION 142—CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA

Section 142 d

“d. The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: provided, however, that no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for co-operation entered into in accordance with subsection 144 b.”

SECTION 144—INTERNATIONAL CO-OPERATION

Section 144 b

“b. The President [of the United States of America] may authorize the Department of Defense, with the assistance of the [Atomic Energy] Commission to co-operate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organisation such Restricted Data as is necessary to:

- “ (1) the development of defense plans;
- “ (2) the training of personnel in the employment of and defense against atomic weapons; and
- “ (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons;

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while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security:

Provided, however, that no such co-operation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the [Atomic Energy] Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: and provided further, that the co-operation is undertaken pursuant to an agreement entered into in accordance with section 123."

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